

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Tonya Marie Stewart Case Number: 0980 2:13CR00096-RHW-3

Address of Offender: Spokane Valley, Washington 99016

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: March 13, 2014

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349

Original Sentence:	Prison - 27 Months; TSR - 3 Years	Type of Supervision: Supervised Release
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Asst. U.S. Attorney: Timothy J. Ohms Date Supervision Commenced: July 17, 2015

Defense Attorney: Federal Defender's Office Date Supervision Expires: July 16, 2018

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

[illegible]

1 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a
 controlled substance. The defendant shall submit to one drug test within 15 days of release
 from imprisonment and at least two periodic drug tests thereafter, as determined by the
 Court.

Supporting Evidence: On July 21, 2015, Ms. Tonya Stewart signed her conditions relative to case number 2:13CR00096-RHW-3, indicating that she understood all conditions as ordered by the Court. Specifically, Ms. Stewart was made aware by her U.S. probation officer that she was required to refrain from the use of illicit substances.

Ms. Stewart is alleged to have violated mandatory condition number 4 by ingesting methamphetamine on or about July 31, 2017, by her own admission.

Specifically, on August 4, 2017, Ms. Tonya Stewart reported to U.S. Probation as directed by the undersigned officer and submitted to urinalysis testing, the results of which was presumptive positive for methamphetamine. While the client denied the use at the time of testing, Ms. Stewart then met with the undersigned officer and admitted to using methamphetamine on July 31, 2017. Ms. Stewart signed a drug use admission form documenting her use of methamphetamine as indicated.

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Standard Condition # 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On July 21, 2015, Ms. Tonya Stewart signed her conditions relative to case number 2:13CR00096-RHW-3, indicating that she understood all conditions as ordered by the Court. Specifically, Ms. Stewart was made aware by her U.S. probation officer that she was required to answer truthfully all inquiries by her U.S. probation officer, and to follow all instructions of the probation officer.

Ms. Stewart is alleged to have violated standard condition number 3 by failing to maintain a suitable method for contact with the undersigned officer, and by failing to report as directed to U.S. Probation on multiple occasions as directed by the undersigned officer.

Specifically, on July 31, 2017, a text message was sent to the client directing her to report to U.S. Probation on that date, and an attempted voice call to the client resulted in an automated message indicating that the subscriber's phone could not accept incoming calls at that time. On August 1, 2017, Ms. Stewart contacted this officer and indicated that she was with friends in Newport, Washington, and would likely be unable to report until tomorrow. Ms. Stewart was then directed to report to U.S. Probation on August 2, 2017. On August 2, 2017, at 5:30 p.m., Ms. Stewart called and indicated that she had fallen asleep at her residence and apologized profusely for failing to report as directed. Ms. Stewart was then directed to report on August 3, 2017, which she committed to doing.

On August 3, 2017, Ms. Stewart again contacted this officer crying, indicating that she had been unable to find transportation. A home contact was made with the client on the day in question, at which point she denied being able to provide a urinalysis sample for testing. She was again directed to report to U.S. Probation on August 4, 2017. Ms. Stewart reported as directed and ultimately admitted to using methamphetamine on July 31, 2017.

Ms. Stewart was directed to remain available for contact by this officer and she indicated that her cell phone was now back on and that she could always receive text messages. Ms. Stewart later additionally provided this officer her roommate's cell phone number for contact.

On August 14, 2017, the undersigned officer received information from Alcohol Drug Education Prevention and Treatment that Ms. Stewart had failed to appear for random urinalysis testing at their facility on August 10, 2017.

On August 14, 2017, a voice mail was left for both Ms. Stewart and her roommate requesting immediate contact and directing the client to report to U.S. Probation that date. Ms. Stewart was additionally sent a text message indicating the same; however, she has failed to respond to any of the directives.

On August 15, 2017, Ms. Stewart was again left a voice mail directing her to report to U.S. Probation on August 16, 2017, before 12 p.m.; however, she again failed to respond. Ms. Stewart's father-in-law was then contacted on August 15, 2017, who indicated that they had not seen or heard from Ms. Stewart in several weeks and that she was not answering their calls. As of the writing of this report, Ms. Stewart has not maintained a suitable method of communication with the undersigned officer and has not reported on multiple occasions as

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directed.

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Special Condition # 21: You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On July 21, 2015, Ms. Tonya Stewart signed her conditions relative to case number 2:13CR00096-RHW-3, indicating that she understood all conditions as ordered by the Court. Specifically, Ms. Stewart was made aware by her U.S. probation officer that she was required to refrain from the use of illicit substances and was required to engage in urinalysis testing.

Ms. Stewart is alleged to have violated special condition number 21 by failing to report to ADEPT for random urinalysis testing on August 10, 2017.

Specifically on August 14, 2017, the undersigned officer received notification from ADEPT that Ms. Stewart had not reported as required following her assigned color being called on August 10, 2017. Ms. Stewart was provided specific instructions by the undersigned officer during an in-office contact with the client on August 4, 2017, as to her color assignment and her requirement to call the vendor daily at which time she agreed to do so.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 16, 2017

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

8/17/2017

Date